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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,659

12/01/2004

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P/4674-2

8761

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06/22/2007

EXAMINER

TRIEU, THAI BA

ART UNIT

PAPER NUMBER

3748

MAIL DATE

DELIVERY MODE

06/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

14

Office Action Summary

Application No.

10/516,659

Applicant(s)

BAUMANN, HERMANN

Examiner

Thai-Ba Trieu

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15 and 22 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/26/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the Amendment filed on April 26, 2007.

Claims 1-10 and 16-20 were cancelled; and claims 11, 14-15 were amended; and claims 21-22 were newly added.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically,

- Line 3, the recitation of "opposite side from the force" renders the claim indefinite, since it is not clear that to which force applicant wants to reference? Applicant is required to identify this force or to revise the claimed limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-15 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramsden (Patent Number EP 0 710 770 A1/ US 5,692,378).

Art Unit: 3748

Ramsden discloses an internal combustion engine with a first, a second and a third exhaust gas turbocharger (3, 4; 5, 6; 1, 2) for charging the internal combustion engine, each of the exhaust gas turbochargers comprises a compressor wheel and a turbine wheel, which rotate around a common charger axis (Not Numbered), a first exhaust gas feed line arranged to lead to the first exhaust gas turbocharger, a second exhaust gas feed line arranged to lead to the second exhaust gas turbocharger, the three exhaust gas turbochargers (3, 4; 5, 6; 1, 2) having parallel air flows (See Figures 4-5), a carrier housing (9) arranged to hold the two exhaust gas turbochargers, a manifold arranged to collect exhaust gas streams downstream of the first and second exhaust gas turbochargers (3, 4; 5, 6), and a common exhaust gas discharge line (10) connected to the turbochargers (3, 4; 5, 6), the three exhaust gas turbochargers (3, 4; 5, 6; 1, 2) being arranged to lie in a common plane (E), the two charger axes of the first exhaust gas turbocharger and the second exhaust gas turbocharger are positioned at an angle to each other in an angular range of 55-100° and the charger axis of the third exhaust gas turbocharger lies within the angular range, the third exhaust gas turbocharger (1, 2) being arranged centrally between the first exhaust gas turbocharger and the second exhaust gas turbocharger (See Figures 1, 3, and 4-5);

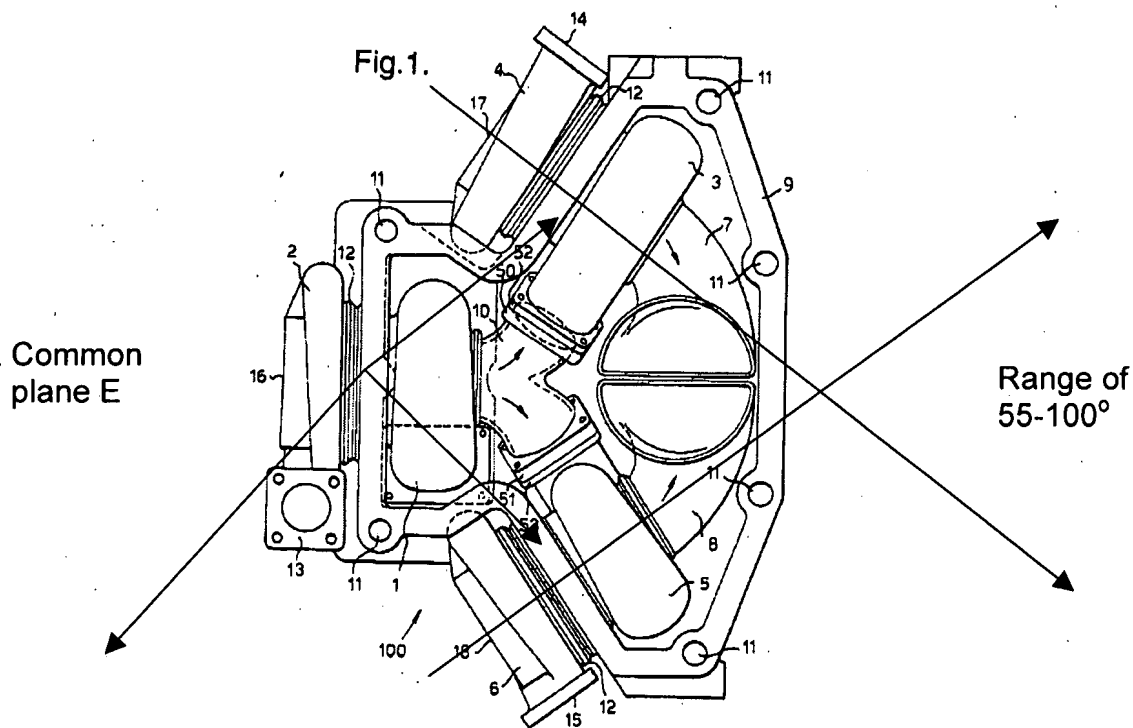
wherein the plane is parallel to a top of the internal combustion engine
(See Figure 4);

wherein the exhaust gas discharge line is arranged to lie in the plane
(See Figure 4);

Art Unit: 3748

wherein the engine includes a cylinder heads and further comprises air feed lines (24a, 24b) located above the cylinder heads for supplying uncompressed air to the first and second exhaust gas turbochargers (3, 4; 5, 6); a filter (not shown) installed in an upstream direction of the air feed lines (24a, 24b) on an opposite side from the force; and

wherein the exhaust gas of the third exhaust gas turbocharger is guided into the manifold (from 1 to 3 and 5, then to 7 and 8) (See Figure 1).



the third exhaust gas turbocharger are arranged centrally between the first exhaust gas turbocharger and the second exhaust gas turbocharger.

Allowable Subject Matter

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed on April 26, 2007 have been fully considered but they are not persuasive. Accordingly, claims 11-15 and 21-22 are pending

With regard to the applicant's arguments set forth on Pages 7, applicant states that Ramsden (Patent Number EP 0 710 770 A1/ US 5,692,378) does not disclose a third exhaust gas turbocharger arranged centrally between the first and second turbochargers so that exhaust gas flows through all three turbochargers in parallel, as in the presently claimed invention.

The examiner respectfully disagrees with the applicant, because claim 11 claims the three exhaust gas turbochargers having parallel air flows (emphasis added); however, claim 11 does not claim exhaust gas flows through all three turbochargers in parallel. Therefore the reference to Ramsden is read on the limitation being claim in claim 11 (See Figures 4-5).

Additionally, Ramsden does disclose a third exhaust gas turbocharger arranged centrally between the first and second turbochargers (See the attached Figure 1 above).

Conclusion

The IDS (PTO-1449) filed on April 26, 2007 has been considered. An initialized copy is attached hereto.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3748

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB
June 13, 2007



Thai-Ba Trieu
Primary Examiner
Art Unit 3748